

Memorandum

To : The Conservancy
The Advisory Committee

Date: April 30, 2007

From :  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 20: Consideration of resolution approving a one year term non-renewable lease of a portion of Temescal Gateway Park to the Palisades Jewish Early Childhood Center (PJECC) for the operation of a private preschool and authorizing application for a Coastal Development Permit for the temporary installation of trailers and/or modular buildings for the operation of PJECC, Pacific Palisades.***

Staff Recommendation: That the Conservancy approve a one year, non-renewable lease for a portion of Temescal Gateway Park to the Palisades Jewish Early Childhood Center (PJECC) for operation of a private preschool and authorizing application for a Coastal Development Permit for the temporary installation of trailer and/or modular buildings for the operation of PJECC, Pacific Palisades.*

Legislative Authority: Section 33206 of the Public Resources Code provides, in part:

The conservancy may lease lands acquired in accordance and *for purposes consistent* with this division. [Emphasis added.]

Background: Temescal Gateway Park was acquired in 1982 pursuant to Public Resources Code Sec. 33207.5 from the Los Angeles Unified School District. This is an approximately 20 acre property that is functionally integrated into the 141 acre parcel known as the Temescal Canyon Conference & Retreat Center that was acquired in 1994 using Los Angeles County Safe Neighborhood Parks Act (Proposition A) funds. Increasingly, the total complex of 161+ acres is referred to as Temescal Gateway Park.

The Palisades Jewish Early Childhood Center (Chabad) has had a series of short term leases, first for the classroom buildings, then after the mudflow, for cabins in the central complex of the Temescal Canyon Conference & Retreat Center. Their one-year “non-renewable” lease for the cabins expires this June.

The provisions of their lease terms are attached.

Notwithstanding this, Chabad has asserted that it is discriminatory for Seven Arrows/Little Dolphins to be allowed to continue their program in Temescal Canyon and Chabad not.

With out agreeing to any position taken in this dispute, the staff suggests hat that actions taken with respect Chabad and Seven Arrows be taken together.

Provisions of the Chabad lease

Section 2 B of the Chabad lease provides: *"The Lease Term will expire on June 22, 2007 (Termination Date). LANDLORD and TENANT agree that there will be no extensions to his Agreement."* [Italics added.]

Public Use of Temescal Canyon: As a result of adroit planning and marketing of Temescal Gateway Park and the Temescal Canyon Conference & Retreat Center by the Mountains Recreation & Conservation Authority (MRCA), the facility is now self-sustaining and does not need outside lessors to provide funding to keep the facility operating.

This is a major accomplishment. It means that private facilities, Seven Arrows/Little Dolphins and Palisades Jewish Early Childhood Center, which previously leased cabin accommodations in order to provide lease revenue for operation of Temescal Canyon, are no longer needed to provide public benefits.

Based on the MRCA's successful business plan, that has proven positive revenues for the past three fiscal years, with ever increasing revenues each year, the Temescal Canyon Conference and Retreat Center and Temescal Gateway Park are now being operated totally for the benefit of the public, without any need for private party leases. Indeed, private party leases now restrict the mission of the facility to serve the public.

Public Use Must Trump Private Use: Both Seven Arrows/ Palisades Jewish Early Childhood Center were very helpful in providing a stable revenue source when the SMMC/MRCA could not do so. They are entitled to our thanks and a respectful phase-out of their private operations. However, what must be involved here is "phase-out" not "continuation" and certainly not "extension." The Conservancy's leasing power extends only "for purposes consistent with this division [Santa Monica Mountains Conservancy Act]." When there is a fully funded public purpose to be served, it is not "consistent" with the Conservancy Act to yield such public use to a private purpose. Nowhere does a private preschool come anywhere close to being a "purpose" of the Conservancy Act.

Because of the physical limitations of the site, there is--what theorists would call--a "zero-sum" situation here. Amy Lethbridge, Deputy Executive Officer and Chief of Education and Interpretation for the MRCA has put the issue well:

[There are] two types of overnight accommodation at Temescal, bungalows and cabins. Our bungalows, which currently house the Temescal Field Science Program, sleep 64. The cabins, which are currently out of use during the school year due to pre-school rental, can sleep another 90, though they will require renovation to meet camp needs. The students who come for science camp come during the traditional school year with their class, approximately 35 students, and we require a minimum of 4 adult chaperones and a teacher. Therefore we need 40 beds to serve one class. This year we expanded from our 16-week program in the spring to a full school year program that will include use of the bungalows in the Fall, which will allow us to double our numbers. However to grow more than that we need the cabins, because then we could do two schools at a time (needing a minimum of 80 beds) and eventually three schools at a time (120 beds at once). We are waiting for official confirmation, but LAUSD has recently received a grant from the DWP to increase participation in its field science programs and the money that would come to Temescal will allow us to expand to 2 schools at a time, but again, we can only do so if we have more beds.

The Los Angeles Unified School District in fact has a goal that every 6th grader will have an overnight outdoor education experience. Sadly, last year less than 20% of LAUSD 6th graders did so. This is due to a lack of facilities as well as a lack of funding for programs. Historically, outdoor science programs have relied upon parents and communities to provide financial support for a portion or the entire participant fee. Most schools use a combination of fund raising projects and family contributions to pay for field trip costs, particularly for outdoor science camps. Given that 61% of the children in Los Angeles County live in poverty, the ability of these students and their families and communities to provide financial support is limited. This reality creates a tremendous disincentive for schools serving high poverty communities to commit to sending students to these programs. The result is that disproportionate numbers of economically disadvantaged students lack access to this rich, standards-based educational experience. Thus far we have been able to keep the Temescal Field Science program free to participating students because of direct support from the school district.

Price and Terms: These aspects of the proposed one-year lease are to be discussed in closed session pursuant to the authority of Subdivision (c)(7)(A) of Section 11126 of the Government Code.

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